

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:19-cv-00653-MR**

CARL FLEMING,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
JAMIL GORDON, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the North Carolina Department of Public Safety’s (“NCDPS”) sealed Notice [Doc. 22] informing the Court that it has been unable to procure a waiver of service of process for Defendant Jamil Gordon.¹

NCPLS represents that Defendant Gordon is no longer employed with NCDPS and has provided the Defendant’s last known addresses under seal [Doc. 22].

The Clerk will be directed to notify the U.S. Marshal that Defendant Gordon needs to be served with the summons and Complaint [Doc. 1] in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendant

¹ “FNU Gordon” in the Complaint. [See Doc. 1]. The Clerk will be instructed to correct the Court’s file to reflect the Defendant’s full and correct name.

Gordon cannot be served at the address provided by the NCDPS, the U.S. Marshal shall be responsible for locating his home address so that he may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915....”).

If the U.S. Marshal is unable to obtain service on Defendant Gordon, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendant’s home address to the *pro se* incarcerated Plaintiff and shall file any document containing such address under seal.

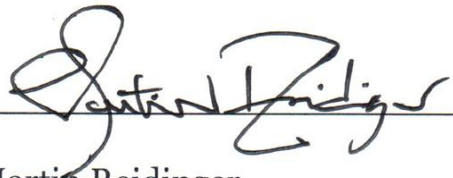
IT IS THEREFORE ORDERED that:

- (1) The U.S. Marshal shall use all reasonable efforts to locate and obtain service on **Defendant Jamil Gordon**. If the U.S. Marshal is unable to obtain service on Defendant Gordon, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.

- (2) The Clerk is respectfully instructed to mail a copy of the Complaint [Doc. 1], the Sealed Notice containing Defendant's last known address, [Doc. 22], and this Order to the U.S. Marshal.
- (3) The Clerk is instructed to correct the Court's records to reflect that Defendant's name is Jamil Gordon rather than "FNU Gordon."

IT IS SO ORDERED.

Signed: August 25, 2020



Martin Reidinger
Chief United States District Judge

